

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOSEPH COUNTS,

Plaintiff,

v.

STATE OF MISSOURI,

Defendant.

)
)
)
)
)
)
)
)
)
)

No. 4:24-cv-489 SEP

MEMORANDUM AND ORDER

Before the Court is Plaintiff's second motion for reconsideration of the dismissal of this action pursuant to Federal Rule of Civil Procedure 59(e). Doc.[16]. After review of Plaintiff's motion, the Court again declines to alter or amend the June 28, 2024, Order of Dismissal.

Plaintiff filed a "Petition for Declaratory and Injunctive Relief" against the State of Missouri asking this Court to use "supremacy and discretionary powers" to "declare the order of protection against him illegal and therefore unenforceable." Doc. [1] at 2-3. The Court dismissed the action, explaining that state prisoners cannot use the Declaratory Judgment Act, 28 U.S.C. § 2201, to seek relief from a state court decision. Doc. [9].

Plaintiff's motion fails to point to any manifest errors of law or fact, or any newly discovered evidence. Instead, the motion merely revisits Plaintiff's previously raised arguments. Plaintiff is therefore not entitled to reconsideration of the dismissal of his action, and his motion is denied. Plaintiff is advised that he must not file any more documents seeking to argue the merits of his dismissed petition. No further pleadings will be accepted in this closed cause of action unless pertaining directly to an appeal. If Plaintiff wishes to bring claims before this Court, he may file a new civil action. The Court will provide him with a blank Prisoner Civil Rights Complaint form to use if Plaintiff wishes to pursue a different action.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Reconsideration of the Dismissal of his Petition for Declaratory and Injunctive Relief, Doc. [16], is **DENIED**.

IT IS FURTHER ORDERED that no future filings will be accepted by this Court in this closed matter, unless pertaining directly to an appeal. The Clerk of Court is directed to


return to Plaintiff any future putative filings in this matter, unless pertaining directly to an appeal, without filing on the case docket.

IT IS FURTHER ORDERED that the Clerk of Court shall mail to Plaintiff a copy of this Order.

IT IS FURTHER ORDERED that the Clerk of Court shall mail to Plaintiff a blank Prisoner Civil Rights Complaint form.

IT IS FINALLY ORDERED that no certificate of appealability shall issue.

Dated this 18th day of September, 2024.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE